

1 e. an intermediate shaft rotatably secured to the support frame about a rotational axis  
2 that is coincident with said tail pivot axis, the intermediate shaft including a power input gear,  
3 the power input gear extending substantially in said second vertical plane and spaced apart  
4 from the longitudinal axis of the support frame by said second offset distance, said  
5 intermediate shaft also including a power output gear that rotates together with the power input  
6 gear, the power output gear extending substantially in said first vertical plane and spaced apart  
7 from the longitudinal axis of the support frame by said first offset distance.

A<sub>2</sub>  
8  
9 13. The motorcycle recited by claim 12 wherein the intermediate shaft is located  
10 generally within the support frame.

11  
12 14. The motorcycle recited by claim 13 further including:

13 f. a first drive belt coupling the transmission output gear to the power input gear of the  
14 intermediate shaft; and

15 g. a second drive belt coupling the power output gear of the intermediate shaft to the  
16 rear wheel drive gear.

17  
18 15. The motorcycle recited by claim 12 wherein the intermediate shaft is disposed  
19 generally between the transmission output gear and the rear wheel drive gear.

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20  
21 **REMARKS**

22 In response to the Office Action mailed May 10, 2002, Applicant has amended original  
23 claim 1, and has added new claims 8-15 above. Attached hereto, as Attachment A, is a copy of  
24 amended claim 1 showing the text which has been changed, along with a copy of the new  
25 claims that have been added.

26 Within the Office Action mailed May 10, 2002, the Examiner rejected claims 1, 3-4  
27 and 7 under 35 U.S.C. §102(b) as describing subject matter that the Examiner considered to be  
28 anticipated by U.S. Patent No. 3,954,145 ("Nesbit"). Applicant respectfully disagrees with the

1 Examiner's conclusion, and Applicant requests the Examiner to reconsider the basis for the  
2 rejection of claims 1, 3-4 and 7 in view of the amendment to claim 1 and the arguments set  
3 forth below.

4 In Nesbit, the power output pulley (22) is collinear with the clutch (18), and the clutch  
5 is mounted to the transmission. See FIG. 2 and column 2, lines 58-60, of Nesbit. The  
6 motorcycle of Nesbit lacks an intermediate shaft between the power output pulley (22) at the  
7 transmission or clutch, and the drive gear (32) at the rear wheel. Nesbit has one uninterrupted  
8 secondary belt (53) between the power output pulley (22) at the transmission or clutch, and the  
9 drive gear (32) at the rear wheel.

10 Referring now to the Applicant's invention as defined by claim 1, the transmission  
11 includes a transmission output gear, an intermediate shaft disposed generally between the  
12 transmission output gear of the transmission and the rear wheel drive gear. In contrast, Nesbit  
13 lacks any shaft at a corresponding location *between the transmission and the rear wheel*.

14 In a motorcycle in accordance with the invention as defined by claim 1, there are two  
15 drive belts between the transmission output gear and the rear wheel drive gear. The two drive  
16 belts each engage the recited intermediate shaft. These two belts are recited at paragraphs f  
17 and g, lines 23-26, of amended claim 1:

18 *"f. a first drive belt coupling the transmission output gear to the power input*  
19 *gear of the intermediate shaft; and*

20 *g. a second drive belt coupling the power output gear of the intermediate shaft*  
21 *to the rear wheel drive gear."*

22 In contrast, Nesbit has only one, uninterrupted belt (53) between the power output pulley (22)  
23 at the transmission or clutch, and the drive gear (32) at the rear wheel.

24 In a motorcycle in accordance with the Applicant's invention as recited by claim 1, the  
25 transmission output gear and the rear wheel drive gear lie in different vertical planes, and at  
26 different distances from the longitudinal axis of the motorcycle. By way of example, FIG. 7 of  
27 the Applicant's drawings shows that transmission output pulley 127 at transmission 36 lies in a  
28 vertical plane 137 spaced apart from the longitudinal axis 133 of the support frame 26 by a

1 predetermined offset distance. Fig. 7 also shows that drive pulley 138 at the rear wheel lies in  
2 another vertical plane 139 spaced apart from the longitudinal axis 133 of the support frame  
3 (26) by a larger offset distance. This is recited in paragraphs b and d of amended claim 1:

4           *"b. a rear wheel rotatably coupled to the rear end of the support frame, the*  
5           *rear wheel including a rear wheel drive gear for applying torque to the rear wheel, the*  
6           *rear wheel drive gear extending substantially in a first vertical plane spaced apart*  
7           *from the longitudinal axis of the support frame by a first offset distance;*

8           \* \* \*

9           *d. a transmission mounted to the support frame and coupled to the engine for*  
10           *selectively coupling the turning force generated by the engine to a transmission output*  
11           *gear, the transmission output gear extending substantially in a second vertical plane*  
12           *spaced apart from the longitudinal axis of the support frame by a second offset*  
13           *distance, the second offset distance being smaller than the first offset distance;"*

14 On the other hand, FIG. 2 of Nesbit shows that the power output pulley (22) at the  
15 transmission or clutch, and the drive gear (32) at the rear wheel are in a same vertical plane at  
16 a same distance from the longitudinal axis of the motorcycle.

17           Accordingly, claim 1 recites subject matter that is neither anticipated by, nor suggested  
18 by, the Nesbit disclosure.

19           Within the Office Action mailed May 10, 2002, the Examiner rejected dependent claim  
20 2 under 35 U.S.C. §103(a) as describing subject matter that the Examiner considered to be  
21 obvious based upon U.S. Patent No.3,954,145 ("Nesbit") and U.S. Patent No. 4,585,087  
22 ("Riccitelli"), and the Examiner rejected dependent claims 5 and 6 under 35 U.S.C. §103(a) as  
23 describing subject matter that the Examiner considered to be obvious based upon U.S. Patent  
24 No.3,954,145 ("Nesbit") and U.S. Patent No.5,487,443 ("Thurm"). Claims 2, 5 and 6 are  
25 dependent upon amended claim 1. Applicant requests the Examiner to reconsider the basis for  
26 the rejection of claims 2, 5 and 6 in view of the amendment to claim 1 and the arguments made  
27 with regard to claim 1.

1 New independent claim 9 recites that the intermediate shaft is located generally within  
2 the support frame. Clearly, Nesbit does not disclose an intermediate shaft located generally  
3 within a support frame. New claim 10, dependent upon new independent claim 9, has been  
4 added.

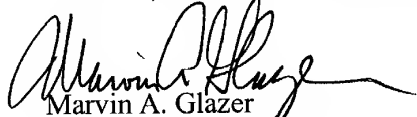
5 New independent claim 12 recites, at paragraph e, "an intermediate shaft rotatably  
6 secured to the support frame about a rotational axis that is coincident with said tail pivot  
7 axis...". The Examiner contends that the alignment of the intermediate shaft to rotate about an  
8 axis that is coincident with the tail frame pivot axis would be a matter of design choice.  
9 Applicant respectfully disagrees. The Examiner has simply stated an opinion and has not  
10 provided sufficient reasoning, or any reasoning whatsoever, supporting the opinion. The  
11 Federal Circuit has held that an Examiner must provide reasoning why a specific feature is a  
12 matter of design choice, and therefore obvious. *In re Chu*, 66 F.3d 292, 36 USPQ 2d 1089  
13 (Fed. Cir. 1995).

14 The prior art made of record and not relied upon was reviewed and is not considered  
15 pertinent to Applicant's disclosure.

16 Accordingly, Applicant respectfully requests the Examiner to issue a Notice of  
17 Allowability indicating the allowance of pending claims 1-15.

18 Respectfully submitted,

19 CAHILL, SUTTON & THOMAS P.L.C.

20   
21 Marvin A. Glazer  
22 Registration No. 28,801

23 155 Park One  
24 2141 East Highland Avenue  
25 Phoenix, Arizona 85016  
26 Ph. (602) 956-7000  
27 Fax (602) 495-9475

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## ATTACHMENT A

1           1. (Amended) A motorcycle having a transmission system that accommodates an  
2 enlarged rear tire, the motorcycle comprising in combination:

3           a. a support frame for supporting a rider, the support frame extending along a  
4 longitudinal axis between opposing front and rear ends;

5           b. a rear wheel rotatably coupled to the rear end of the support frame, the rear wheel  
6 including a rear wheel drive gear for applying torque to the rear wheel, the rear wheel drive gear  
7 extending substantially in a first vertical plane spaced apart from the longitudinal axis of the  
8 support frame by a first offset distance;

9           c. an engine mounted to the support frame for generating a turning force to propel the  
10 motorcycle;

11           d. a transmission mounted to the support frame and coupled to the engine for selectively  
12 coupling the turning force generated by the engine to a transmission output gear, the transmission  
13 output gear extending substantially in a second vertical plane spaced apart from the longitudinal  
14 axis of the support frame by a second offset distance, the second offset distance being smaller  
15 than the first offset distance;

16           e. an intermediate shaft rotatably secured to the support frame and disposed generally  
17 between the transmission output gear and the rear wheel drive gear, the intermediate shaft  
18 including a power input gear, the power input gear extending substantially in said second vertical  
19 plane and spaced apart from the longitudinal axis of the support frame by said second offset  
20 distance, said intermediate shaft also including a power output gear that rotates together with the  
21 power input gear, the power output gear extending substantially in said first vertical plane and  
22 spaced apart from the longitudinal axis of the support frame by said first offset distance;

23           f. a first drive belt coupling the transmission output gear to the power input gear of the  
24 intermediate shaft; and

25           g. a second drive belt coupling the power output gear of the intermediate shaft to the rear  
26 wheel drive gear.  
27  
28

1 8. (New) The motorcycle recited by claim 1 wherein the intermediate shaft is located  
2 generally within the support frame.  
3

4 9. (New) A motorcycle having a transmission system that accommodates an enlarged  
5 rear tire, the motorcycle comprising in combination:

6 a. a support frame for supporting a rider, the support frame extending along a  
7 longitudinal axis between opposing front and rear ends;

8 b. a rear wheel rotatably coupled to the rear end of the support frame, the rear wheel  
9 including a rear wheel drive gear for applying torque to the rear wheel, the rear wheel drive gear  
10 extending substantially in a first vertical plane spaced apart from the longitudinal axis of the  
11 support frame by a first offset distance;

12 c. an engine mounted to the support frame for generating a turning force to propel the  
13 motorcycle;

14 d. a transmission mounted to the support frame and coupled to the engine for selectively  
15 coupling the turning force generated by the engine to a transmission output gear, the transmission  
16 output gear extending substantially in a second vertical plane spaced apart from the longitudinal  
17 axis of the support frame by a second offset distance, the second offset distance being smaller  
18 than the first offset distance; and

19 e. an intermediate shaft located generally within the support frame and rotatably secured  
20 to the support frame, the intermediate shaft including a power input gear, the power input gear  
21 extending substantially in said second vertical plane and spaced apart from the longitudinal axis  
22 of the support frame by said second offset distance, said intermediate shaft also including a  
23 power output gear that rotates together with the power input gear, the power output gear  
24 extending substantially in said first vertical plane and spaced apart from the longitudinal axis of  
25 the support frame by said first offset distance.  
26

27 10. (New) The motorcycle recited by claim 9 wherein the intermediate shaft is disposed  
28 generally between the transmission output gear and the rear wheel drive gear.  
29  
30

1 11. (New) The motorcycle recited by claim 9 wherein the intermediate shaft is disposed  
2 generally between the transmission output gear and the rear wheel drive gear, further including:

3 f. a first drive belt coupling the transmission output gear to the power input gear of the  
4 intermediate shaft; and

5 g. a second drive belt coupling the power output gear of the intermediate shaft to the rear  
6 wheel drive gear.

7  
8 12. (New) A motorcycle having a transmission system that accommodates an enlarged  
9 rear tire, the motorcycle comprising in combination:

10 a. a support frame for supporting a rider, the support frame extending along a longitudinal  
11 axis between opposing front and rear ends, and wherein the support frame includes a tail frame  
12 portion for supporting a rear wheel, the tail frame portion being pivotally secured to the support  
13 frame about a tail pivot axis, and the rear wheel being rotatably secured to the tail frame portion;

14 b. a rear wheel drive gear for applying torque to the rear wheel, the rear wheel drive gear  
15 extending substantially in a first vertical plane spaced apart from the longitudinal axis of the  
16 support frame by a first offset distance;

17 c. an engine mounted to the support frame for generating a turning force to propel the  
18 motorcycle;

19 d. a transmission mounted to the support frame and coupled to the engine for selectively  
20 coupling the turning force generated by the engine to a transmission output gear, the transmission  
21 output gear extending substantially in a second vertical plane spaced apart from the longitudinal  
22 axis of the support frame by a second offset distance, the second offset distance being smaller than  
23 the first offset distance; and

24 e. an intermediate shaft rotatably secured to the support frame about a rotational axis that  
25 is coincident with said tail pivot axis, the intermediate shaft including a power input gear, the  
26 power input gear extending substantially in said second vertical plane and spaced apart from the  
27 longitudinal axis of the support frame by said second offset distance, said intermediate shaft also  
28 including a power output gear that rotates together with the power input gear, the power output  
29 gear extending substantially in said first vertical plane and spaced apart from the longitudinal axis  
30 of the support frame by said first offset distance.

1           13. (New) The motorcycle recited by claim 12 wherein the intermediate shaft is located  
2 generally within the support frame.

3  
4           14. (New) The motorcycle recited by claim 13 further including:

5           f. a first drive belt coupling the transmission output gear to the power input gear of the  
6 intermediate shaft; and

7           g. a second drive belt coupling the power output gear of the intermediate shaft to the rear  
8 wheel drive gear.

9  
10          15. (New) The motorcycle recited by claim 12 wherein the intermediate shaft is disposed  
11 generally between the transmission output gear and the rear wheel drive gear.